



OFFICE OF LEGISLATIVE LIAISON

LEGISLATIVE DIGEST

Matters of Interest to the Department of the Air Force
in the Congressional Record of April 9, 2003

Vol: 149 No: 57 Date prepared: April 10, 2003

Congressional Action Division (SAF/LLZ)
Ext: 693-9137/693-9135

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HIGHLIGHTS APRIL 9, 2003

POW'S: By a unanimous vote of 99 yeas the Senate agreed to S.Con.Res.31, expressing the outrage of Congress at the treatment of certain American POW's by the Government of Iraq, after agreeing to a Lieberman amdt, clearing the measure for House action. (S5045-8)

MILITARY TAXES: By voice vote (H3004) the House suspended the rules and passed H.R.1664, cited as the Armed Forces Tax Fairness Act, a bill to amend the Internal Revenue Code of 1986 to provide a special rule for military personnel in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes, clearing the measure for Senate action. (H3000-4) Text of the bill appears at H3000-2. **(Research Team note:** see yesterday's Legislative Digest for a detailed explanation of this bill)

BUDGET RESOLUTION: Conferees agreed to file a conference report on H.Con.Res.95, the FY04 congressional budget resolution. It is the leadership's intent to complete action on the budget resolution prior to the Easter Recess. House leadership has indicated that a Saturday, April 12 session was possible in order to complete action on the bill. (D381)

DOD AUTHORIZATION MARK-UP: Rep Curt Weldon (R-PA) said member requests for add-ons to the defense budget received in his HASC Tactical Air and Land Forces Subc alone totaling \$14B above the President's request. Stated that while in the past the Armed Services Cmte has been able to meet the needs of many Members as long as, in fact, their priorities have been requested and are supported by the military services, the policy for the new markup process in May will not permit requests for add-ons where the military services have not indicated their support. Said "To plus up that kind of funding would, in fact, be a gross disservice to the men and women serving our country." Added "To our colleagues I say, during the next several weeks and months, we are going to have to make some difficult decisions about which priority we, in fact, can fund." (H3042-7)

SENATE, APRIL 9, 2003

POW RESOLUTION: By a unanimous vote of 99 yeas (Vote No. 129), Senate agreed to S. Con. Res. 31, expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq. Agreed to Lieberman (D-CT) Amdt No. 528 (to the Preamble), with respect to the treatment of certain American prisoners of war. (S5045-9)

While the Senate was waiting for the sponsors of the resolution to arrive (Sen Warner, R-VA) was in a briefing with Sec/Def), Sen Bill Nelson (D-FL) noted that there are two military individuals from Florida who we suspect are POWs that were captured at about the same time as PFC Jessica Lynch was captured. Asserted that “Naturally, I will lend my support to this resolution which is most important not only to express our concern, but to express and demand that these prisoners of war be treated according to the Geneva Convention, which means that under the rules of war we treat prisoners of war humanely.” Also hoped to resolve the fate of Capt Scott Speicher, USN, who was shot down in Iraq 12 years ago, mistakenly declared dead, and whose status was subsequently changed from killed in action to missing in action after the wreckage of his plane was found and questions were raised. (S5045)

Sen Warner (R-VA) stated that the resolution states that Saddam Hussein has failed to comply with UN Security Council resolutions. Noted that the Senate had received a series of briefings from senior representatives of the Dept of Defense and the Dept of State and over 50 Senators had attended a briefing given by Sec/Def Rumsfeld accompanied by Gen Richard Myers, USAF, CJCS. “So far as we know, to date, none of the requirements of international law have yet been met by...Saddam Hussein’s regime.” Stated the importance the Congress places on the POW issue. Explaining what a historic moment it was when the world saw, real time, the status of Saddam Hussein being dragged down to Earth, remarked “Indeed, this was worth tens upon tens of thousands of words as the world witnessed.” Recalled that President Bush from the very first characterized this conflict as a war of liberation of the people of Iraq. Noted that Senators were reminded just a few minutes before that it is not over. Much could remain to be done, but our forces are committed. Our forces are in place. Noting that the President declared today, April 9, 2003, “National Former POW Recognition Day, asserted “As we recall the service of those national heroes who gave so much I defense of our country, we also must think of our men and women still in captivity....We will leave no one behind.” Text of President’s proclamation appears. (S5045-7)

Sen Lieberman (D-CT) spoke in support of the resolution. Stated that the progress in Iraq has been stunning. Urged his colleagues not to forget for a moment the service and sacrifice of our brave and brilliant men and women in uniform which brought us to this day. Asserted that “We cannot and we shall not forget any missing American or POW, not for a moment.” Believed that this resolution is “an appropriate expression of our values, of our resolve, and a statement of our solidarity with those who risk their lives half a world away to secure our freedom.” (S5047)

Sen Byrd (D-WV) stated that the world is now well aware of the story surrounding PFC Jessica Lynch, from Palestine, WV, who was taken prisoner by the Iraqi military on March 23. Reminded his colleagues that there are others who have been captured or who have

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POW'S, Sen Byrd (cont)

gone missing during this war. Remarked that the resolution makes a clear and commendable statement about how we expect our POWs to be treated by Iraq, but believed it was unfortunate that the preamble contains the statement, "Whereas the military action now underway against Iraq is lawful and fully authorized by the Congress in Sec 3(a) of P.L. 107-342." Argued "I do not concede that this war is lawful. I do not concede that it has been fully authorized by congress." Hoped that the war can soon be brought to its conclusion and that the captured or missing will be able to return home to their families. (S5047-8)

TRIBUTE: Sen Frist (R-TN) announced that "as we have been doing over the last several weeks, we are devoting a few moments each morning to pay respect to the tremendous work our troops are doing overseas." Stated that evidence continues to build that American and coalition forces are advancing, that they will prevail in this war. Numerous Senators joined in the daily tribute to service personnel overseas. (S4997-5001; S5004; S5052-3)

TRIBUTE: Sen Elizabeth Dole (R-NC) paid tribute to her husband, former Sen Bob Dole (R-KS), who delivered his first speech in the Senate on April 14, 1069, 34 years ago next week. Submitted a copy of his speech, which dealt with handicapped Americans, and began with a description of his own experience resulting from a World War II injury which occurred exactly 24 years before that, on April 14, 1945, in Italy and left him without the use of his right arm. (S5001-4)

AFRICA / HUMAN RIGHTS: Sen DeWine (R-OH) discussed the Clean Diamond Act, which the House has acted upon (H.R. 1584) and which the Senate would soon consider (S. 760). Focused on the atrocities that are occurring in Sierra Leone, Africa, where rebels have fought to seize control of the country's profitable diamond fields in order to finance their terrorist regime. Urged his colleagues to support this legislation. (S5004-5) Sen Leahy (D-VT) explained that various entities came together to create the Kimberley Process, an international regime aimed at stopping the trade in conflict diamonds. Expressed his support for S. 760 and, assuming that a word is changed in the section concerning the Kimberley Process Implementation Coordinating Committee, also the House companion measure, H.R. 1584, which he said was virtually identical to S. 760. Stressed the importance of the Appropriations Cmte funding an initiative that authorized the President to provide technical assistance to developing nations seeking to implement the KPCS. Drawing attention to two successful programs the US Government has implemented in the past, noted that Americans buy 65 to 70 percent of the world's diamond and it is up to the US to provide leadership on this very important issue. (S5005-6)

TRIBUTE: Sen Reid (D-NV) paid tribute to Lt Cmdr William McCool, USN, pilot of the Space Shuttle Columbia, after whom Congress passed a bill to rename a school in Guam. Noted that his unique tie to Guam involves living there in the 1970s while his father served as a Navy and Marine pilot. Noted that both of his parents now reside in Las Vegas where his mother is dean at the University of Nevada, Las Vegas, and his father teaches while also attending as a graduate student. (S5044)

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NOMINATION: Speaking in support of the nomination of Dee Dodson Drell to be US District Judge for the Western District of Louisiana, Sen Hatch (R-UT) noted that he began his legal career with the US Army Judge Advocate General's Corp and was named Chief of Military Justice, a position he held until he completed his military service in 1975, when he entered private practice. (S5049)

JUSTICE: Sen Smith (R-OR) continued to speak out against hate crimes, noting that on September 28, 2001, a Yemeni man in New York, New York, was badly beaten in the Bronx while working at his newsstand. (S5053)

ARMENIAN GENOCIDE: Sen Feingold (D-WI) remembered and honored the victims of the Armenian genocide which began 88 years ago in what is now Turkey. (S5053)

ISRAEL: Sen Bunning (R-KY) discussed at length the importance of the relationship between the US and Israel and the crucial role that this relationship plays in the war on terrorism. Emphasized that Israel has been the one nation that has steadfastly stood by our side even before September 11. Explained that he has strongly supported economic and military aid to Israel because Israel is our greatest friend in a very troubled region and deserves strong American support. Concluded that "it is imperative that the US stand in solidarity with its true friend and ally, the State of Israel." (S5054)

MIDEAST: Sen Murkowski (R-AK) noted that during Operation Iraqi Freedom, US forces seized two key airfields, known as H2 and H3, where 39 Scud missiles aimed at Israel were launched from during the first Gulf War in 1991. Remarked that it was the intent of Saddam Hussein to prompt backlash by Arab nations against the US-led coalition should Israel respond with military force to the Scud attacks. Discussing the situation between Israel and the Palestinian Authority, asserted "Israel has every right to defend herself against these terrorist attacks and the United States should not endorse efforts that would undermine Israel's national security." Believed that peace is possible, but it takes both sides. Stated that Israel has made significant concessions in the past, but Yasir Arafat was unwilling to reciprocate. Expressed hope that Prime Minister Abbas, in his newly created position, would prove more amenable. (S5055)

VETERANS / HEALTH: Sen Rockefeller (D-WV) introduced and discussed S. 836, to extend by five years the period for the provision by the Sec/VA of noninstitutional extended care services and required nursing home care. (S5070)

TRIBUTE: Senate agreed to S. Res. 114, honoring the life of NBC Reporter David Bloom, and expressing the deepest condolences of the Senate to his family on his death. Mr. Bloom died in Iraq of a non-combat related cause while covering the war. (S5093; S5099-5100)

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TRIBUTE – USS THRESHER: By a vote of 423-0 the House suspended the rules and passed H.Res.170, recognizing the 40th anniversary of the sinking of the submarine USS Thresher. (H2999)

HOUSE OF REPRESENTATIVES, APRIL 9, 2003

CLAIMS / FIREARMS: By a vote of 285-140 the House passed H.R.1036, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products, after rejecting a motion to recommit the bill and 5 amdots thereto, clearing the measure for the Senate. (H2944-99)

MILITARY TAXES: By voice vote (H3004) the House suspended the rules and passed H.R.1664, cited as the Armed Forces Tax Fairness Act, a bill to amend the Internal Revenue Code of 1986 to provide a special rule for military personnel in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes, clearing the measure for Senate action. (H3000-4) Text of the bill appears at H3000-2. **(Research Team note:** see yesterday's Legislative Digest for a detailed explanation of this bill)

Rep Thomas (R-CA) explained that the legislation has passed the House – minus what he termed a “technical correction” – three times in the last two years. Noted that the Senate failed to act in the 107th Congress. Said H.R.1664 in its current form was virtually the same as H.R.1307, with two modifications based on discussions with the Senate, that he hoped would ensure prompt passage and clearance for the President's “long overdue signature.” Explained that passage of H.R.1664 would permit the bill to move through the Senate without the need for a conference. The two modifications are: adding foreign service members to military personnel for purposes of a special rule to determine if they have met the 24 months out of 5-year residency to trigger the capital gain exclusion on a home sale, and extending the income and estate tax relief provisions in the bill to astronauts who lose their lives during a space mission. (H3002) Rep Cardin (D-MD) asked why the House wouldn't just take up the Senate-passed version of H.R.1307 if the goal was to move the bill quickly to the White House? Rep Thomas responded by stating that the Senate-passed bill was “flawed in several ways.” (H3002) Rep Cardin suggested that the major differences were that the Senate bill provided unlimited exclusions for death benefits payable to military personnel, while the House bill was less generous; the House bill was less generous on eligibility rules for capital gains relief; the Senate bill provided unlimited deductions for travel expenses of our National Guard and Reserve personnel; and the Senate bill included a provision to stop tax avoidance by those who have renounced their citizenship in this country but who still take advantage of US tax laws. (H3002)

Rep McDermott (D-WA) suggested that the bill could have been passed weeks ago if it had not been encumbered with provisions relating to fishing tackle “and a whole bunch of other stuff” requiring it to be rewritten. Questioned why the House would want to pass a bill that did not require people who renounce their citizenship to avoid taxes to sacrifice at a time when we're asking so much of our military personnel. Said “What kind of statement is that to our troops overseas that this Congress will not close the loophole that lets somebody drop their citizenship in order to avoid their taxes?” (H3003) Rep Sam Johnson (R-TX), noting his 29 years of Air Force service, urged support for H.R.1664, particularly the provisions related to the death gratuity benefit that permit that benefit in its entirety to be tax free. Said “It is the least we can do. These families have given the ultimate sacrifice

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MILITARY TAXES, Rep Sam Johnson (cont)

for our country. We do not need to take any more from them.” Also thanked those responsible for eliminating the penalty on military academy students and their families when it comes to withdrawing funds from a 529 education savings account. As a result, said cadets will be able to take out money tax free like an athlete on a scholarship. (H3003) Rep Stephanie Tubbs Jones (D-OH) voiced her preference for the Senate-passed version of the bill (S.351) stating that it provided more tax relief for the military and the cost of their bill was offset, with the largest offset being a provision preventing tax avoidance by individuals who renounce their citizenship. (H3003) Rep Jackson-Lee (D-TX) supported H.R.1664 and said the bill was long overdue. Among the provisions she supports is language that exempts from income amounts received under DoD’s Homeowners Assistance Program (HAP), which provides payments to certain employees and military personnel to offset the adverse effects on housing values resulting from military base realignment or closure. Further cited the provision that permits National Guard and Reserve members to take an above-the-line tax deduction of up to \$1,500 for travel, meal and lodging associated with attending meetings more than 100 miles from home. (H3004)

DOD AUTHORIZATION: Reps Weldon (R-PA), in the course of a wide-ranging speech, commended coalition military personnel for their actions in Iraq, previewed a US-Russia comprehensive nuclear nonproliferation cooperative threat reduction bill that he will be introducing, and discussed what he said were the difficult challenges facing Congress as it attempts to provide resources required for the defense budget. Said the need for funds to pursue the purchase of unmanned aerial vehicles, tactical fighters such as the F/A-18, the joint strike fighter, and the F-22, would require Congress to be “extremely prudent” in how it spends DoD’s dollars. Mentioned member requests for add-ons to the defense budget received in his HASC Tactical Air and Land Forces Subc alone totaling \$14B above the President’s request. Stated that while in the past the Armed Services Cmte has been able to meet the needs of many Members as long as, in fact, their priorities have been requested and are supported by the military services, the policy for the new markup process in May will not permit requests for add-ons where the military services have not indicated their support. Said “To plus up that kind of funding would, in fact, be a gross disservice to the men and women serving our country.” Added “To our colleagues I say, during the next several weeks and months, we are going to have to make some difficult decisions about which priority we, in fact, can fund.” Also briefly discussed an initiative he will offer to “unleash the power of the private sector to privatize much of our military base housing around the country.” (H3042-7)

RUSSIA: Rep Pitts (R-PA) said that while Russia stood with the US after the September 11 attack, in recent weeks another agenda has been revealed. Criticized what he said were sales of military equipment to Iraq by Russian companies, continued close relations between Russia and North Korea, and continued nuclear cooperation with Iran. Remarked “Arming rogue regimes cannot be compatible with being an American ally. We must make it clear that Russian cannot arm America’s enemies and call itself an ally.” (H2942)

HOUSE OF REPRESENTATIVES, APRIL 9, 2003

IRAQ: Rep Pence (R-IN) expressed his view that since the United Nations chose not to play a central role in the warfare in Iraq, it should not be permitted to play a central role in keeping the peace in that country. Acknowledged that President Bush has said the UN will play a vital role in standing up the humanitarian effort in post-war Iraq. (H2941-2)

TRIBUTE: Rep Dreier (R-CA) paid tribute to AF Capt Chris Wachter, a 1997 AF Academy graduate that he had the honor of nominating to the Academy along with former Rep Carlos Moorhead. Said Capt Wachter currently serves as a B-1B pilot and was involved in the recent delivery of four satellite-guided bombs on a location in Baghdad thought to have contained high-level members of Saddam Hussein's regime. Added "the price of freedom is never free and there are more days and dangers ahead. I stand with the American people united in support of our troops and in remembrance of those who paid the ultimate price in this fight." (H2942-3)

EXTENSIONS OF REMARKS, APRIL 9, 2003

No Extensions of interest

MEASURES REPORTED, APRIL 9, 2003

HOUSE

H.R. 1531, to amend the Internal Revenue Code of 1986 to enhance energy conservation and to provide for reliability and diversity in the energy supply for the American people, amended (H. Rept. 108-67)

BILLS INTRODUCED, APRIL 9, 2003

SENATE

By Mr BROWNBACK (for himself and others):

S. 837. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Governmental Affairs.

EXECUTIVE COMMUNICATIONS, APRIL 9, 2003

SENATE

EC-1864. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, the report relative to the Inspector General of the Department of Defense (DOD) annual assessment of the DOD voting assistance program, received on April 1, 2003; to the Committee on Rules and Administration

EXECUTIVE COMMUNICATIONS, APRIL 9, 2003

HOUSE

1725. A letter from the Under Secretary, Department of Defense, transmitting a report required pursuant to title 10, United States Code, section 12302(d), relating to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of January 1, 2003; to the Committee on Armed Services
1726. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, ``Devolverment of Research, Development, Test and Evaluation Programs and Activities Beginning in FY 2004"; to the Committee on Armed Services
1728. A letter from the Under Secretary, Department of Defense, transmitting the annual report of the Armed Forces Retirement Home for Fiscal Year 2001; to the Committee on Armed Services
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COMMITTEE MEETINGS, APRIL 9, 2003

SENATE

MISSILE DEFENSE

Committee on Appropriations: Subcommittee on Defense concluded hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Defense missile defense program, focusing on missile defense technology, research, development, and operational test activities of the Ballistic Missile Defense System, after receiving testimony from Lt. Gen. Ronald T. Kadish, USAF, Director, Missile Defense Agency, and Thomas P. Christie, Director, Operational Test and Evaluation, both of the Department of Defense.

SPECIAL OPERATIONS

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense and the Future Years Defense Program, focusing on U.S. Special Operations Command, after receiving testimony from Lieutenant General Byron D. Brown, USA, Deputy Commander, Harry Schultz, Senior Procurement and Acquisition Executive, and Richard Rogers, Command Master Chief, all of the U.S. Special Operations Command.

CONTINGENCY PLANS

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on the readiness of the military services to conduct current operations and execute contingency plans, after receiving testimony from Paul W. Mayberry, Deputy Under Secretary of Defense for Readiness; Lieutenant General Norton A. Schwartz, USAF, Director for Operations, The Joint Staff; Lieutenant General Richard Cody, USA, Deputy Chief of Staff, G-3, Department of the Army; Vice Admiral Kevin P. Green, USN, Deputy Chief of Naval Operations for Plans, Policy, and Operations; Lieutenant General Emil R. Bedard, USMC, Deputy Commandant for Plans, Policies, and Operations; and Major General Randall M. Schmidt, USAF, Assistant Deputy Chief of Staff, Office of the Deputy Chief of Staff for Air and Space Operations

COMMITTEE MEETINGS, APRIL 9, 2003

SENATE

HOMELAND SECURITY

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine homeland security issues, focusing on securing the nation's transportation systems, borders, and ports of entry, after receiving testimony from Tom Ridge, Secretary of Homeland Security

NOMINATIONS

Committee on Environment and Public Works: Committee ordered favorably reported the following business items: John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army for Civil Works. **(Research Team note:** this nomination was sequentially referred to the Environment & PW Cmte after being favorably reported from the SASC on March 27)

HOUSE

COMMERCIAL SPECTRUM

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet approved for full Committee action, as amended, H.R. 1320, Commercial Spectrum Enhancement Act.

TROOPS TO TEACHERS PROGRAM

Committee on Veterans' Affairs: Subcommittee on Benefits held an oversight hearing on the Troops to Teachers Program. Testimony was heard from Nina Rees, Deputy Under Secretary, Innovation and Improvement, Department of Education; John Gantz, Director, Defense Activity, Non-Traditional Educational Support, Department of Defense; and public witnesses

JOINT

BUDGET RESOLUTION CONFERENCE

Conferees agreed to file a conference report on the differences between the Senate and the House passed versions H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.
